

Municipal Clerk
Atlanta, Georgia

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-04-10/UEZ-03-11
04-0-0650

**AN ORDINANCE TO CREATE THE "666 METROPOLITAN PARKWAY
COMMERCIAL ENTERPRISE ZONE", TO BE LOCATED AT 666 METRO-
POLITAN PARKWAY, S.W.; AND FOR OTHER PURPOSES.**

NPU "V"

COUNCIL DISTRICT 4

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for commercial purposes if certain conditions are met; and

WHEREAS the designation of a commercial enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "666 Metropolitan Parkway Commercial Enterprise Zone".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "666 Metropolitan Parkway Commercial Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "666 Metropolitan Parkway Commercial Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "666 Metropolitan Parkway Commercial Enterprise Zone" is hereby created for the subject property at 666 Metropolitan Parkway, SW, which represents property Parcel Code Number (PCN) 14-0086-0001-021 and contains 1.3 acres of land. The effective date of all exemptions established therein shall be January 1, 2005. The "666 Metropolitan Parkway Commercial Enterprise Zone" shall be abolished on December 31, 2014. The "666 Metropolitan Parkway Commercial Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "666 Metropolitan Parkway Commercial Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "666 Metropolitan Parkway Commercial Enterprise Zone" shall consist of the rehabilitation of the existing 18,000-square-foot building in one phase to allow for commercial uses.

Section 4. The development of the "666 Metropolitan Parkway Commercial Enterprise Zone" shall not be subject to the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), since the proposed development project within the "666 Metropolitan Parkway Commercial Enterprise Zone" shall not contain any residential uses.

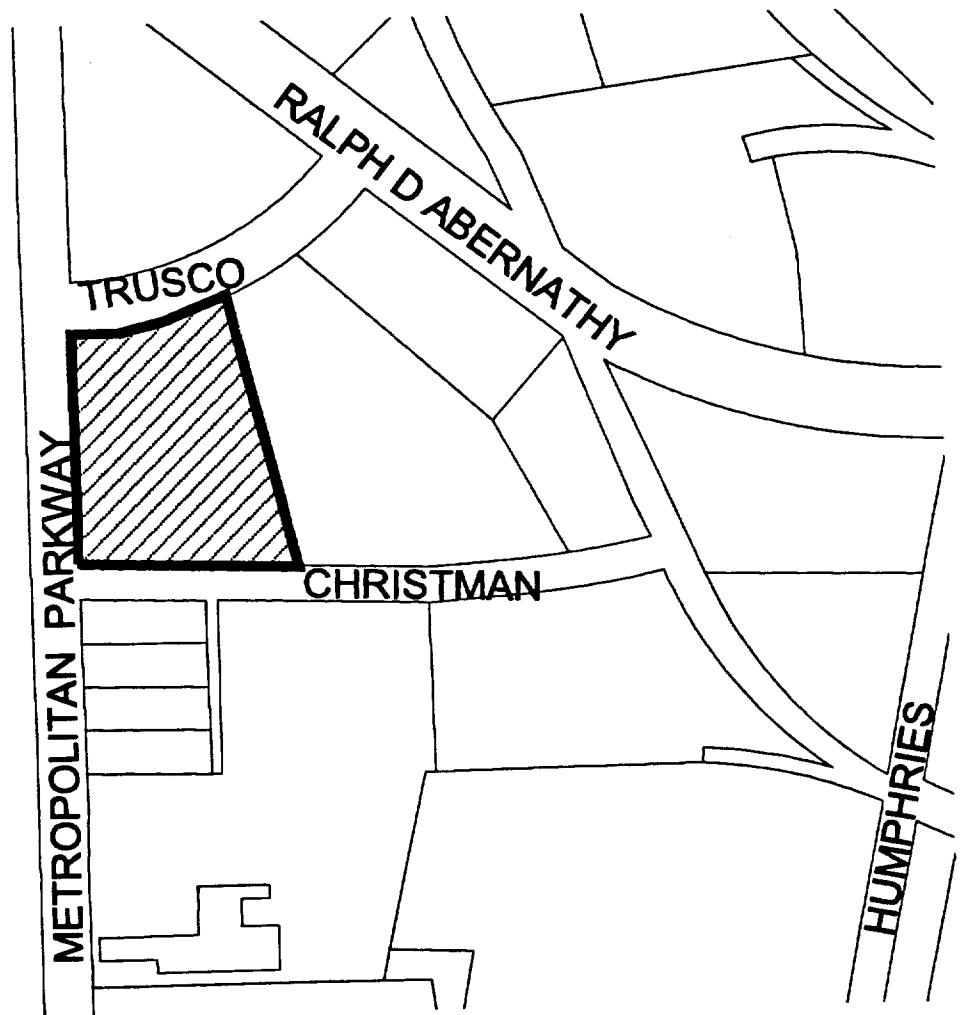
Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "666 Metropolitan Parkway Commercial Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia, and more particularly described as follows: BEGINNING at the intersection formed by the eastern side of Stewart Avenue and the northern side of Christman Street, and running thence north along the eastern side of Stewart Avenue; 255 feet, more or less, to the southern side of Trusco Way; thence easterly along the southern side of Trusco Way 180 feet, more or less, to a point on the western boundary of land now occupied by Pepsico Truck Rental, Inc.; thence southeasterly along the western boundary of said Pepsico property to a point on the northern side of Christman Street, which is 240 feet easterly, as measured along the northern side of Christman Street from the point of beginning; thence westerly along the northern side of Christman Street 240 feet to the eastern side of Stewart Avenue and the point of beginning, this being improved property in the City of Atlanta known as 666 Stewart Avenue, S.W. according to the present system of numbering. This being the same property as that described in Deed Book #4658, page 143 of Fulton County official records, currently known as 666 Metropolitan Parkway.

666 METROPOLITAN PARKWAY COMMERCIAL ENTERPRISE ZONE

TO BE LOCATED AT 666 METROPOLITAN PARKWAY, SW.,
DISTRICT 14 LAND LOT 86,
COUNCIL DISTRICT 4, NPU - "V".



UEZ -04 - 10 / UEZ - 03 - 11



□ Npu-v-parcels
= Npu-v-streets

PROJECT CHECKLIST FOR UEZ-04-10/UEZ-03-11:
Proposed "666 Metropolitan Parkway Commercial Enterprise Zone",
To be Located at 666 Metropolitan Parkway, SW

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. Eligibility Criteria:	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 45.7% for Census Block Group 1 of Census Tract 57 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Tract 57 has an unemployment rate of 12.7%, which is more than 10% higher than the 2002 State Average of 5.1%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ compared to the police zone; OR (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 301 has a crime rate of 62% of the crime rate of police zone 3, thus the high crime requirement is met. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "V" had 3% of development activity within the City for non-residential development, which exceeds the requirement of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 1.3 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Industrial." Allowed F.A.R.: 0.0-2.0.	Proposed FAR: 0.318.	√
4. Zoning Compliance	Zoned "I-2" (Heavy Industrial).	Proposed uses are allowed within "I-2."	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	Not applicable since no residential uses would be included in project.	Not applicable.
7. Non-Displacement	Minimum Displacement	Not applicable since no residential uses would be included in project.	Not applicable.
8. Affordability	The development of the "666 Metropolitan Parkway Commercial Enterprise Zone" shall <u>not</u> be subject to the "housing affordability requirements" for urban enterprise zone designation that are defined in City Code Sections 146-52(2)a.1, 146-52(2)a.2, and 146-52(2)a.3 (per approved Ordinance #03-O-1695), since the proposed development project within the "666 Metropolitan Parkway Commercial Enterprise Zone" shall not contain any residential uses.	Not applicable since no residential uses would be included in project.	Not applicable.
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Not applicable since no residential uses would be included in project.	Not applicable.
10. Job Creation	First Source Jobs Policy	The current commercial tenant, which has 5 fulltime, permanent jobs, would remain. Applicant has submitted a copy of the tenant's lease. Awaiting a commitment letter from the tenant. An additional 10-20 new fulltime, permanent jobs could also be created. Awaiting letters from other potential tenants to indicate their consideration of locating within the proposed project. Applicant does not believe that the First Source Jobs Policy is applicable to the proposed project.	To be determined.

11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.		To be determined.
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U22-07-10



CITY OF ATLANTA

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
55 Trinity Avenue, S.W. SUITE 3350 - ATLANTA, GEORGIA 30335-0308
404-330-6145 - FAX: 404-658-7491
www.ci.atlanta.ga.us/citydir/dpdnc/planning.htm

SHIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 23, 2004

Mr. William C. Smith
William C. Smith, LLC
675 Metropolitan Parkway
Atlanta, Georgia 30310

RE: Processing of Your Submitted Urban Enterprise Zone Application

Dear Mr. Smith:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2004.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located at 666 Metropolitan Parkway, SW. This includes the following tax parcel code number (PCN): 14-0086-0001-021. You have proposed the creation of the "666 Metropolitan Parkway Commercial Enterprise Zone" for the subject property, and have requested that the first year of the enterprise zone be 2005. Your application was assigned the case number of UEZ-04-10/UEZ-03-11 (resubmittal of a withdrawn application). We are reviewing it for completeness and accuracy, and will be contacting you soon (as well as throughout the application review process) by telephone or e-mail concerning any additional information or clarification that we need.

Required NPU Meeting. As part of the UEZ designation process, *you are required to attend a Neighborhood Planning Unit (NPU) meeting.* Your property is located in NPU "V", which holds monthly meetings. *Your UEZ case is scheduled to be heard by NPU "V" on March 8, 2004. Your attendance is required.* The NPU "V" meeting will begin at 7:00 p.m. and will be held at the Mechanicsville Library Community Room, which is located at 400 Formwalt Street (meeting location varies each month). Please attend this meeting (or send a designee) and be prepared to make a presentation and answer any questions concerning your application. The NPU "V" members will vote on your application, with such vote serving as a recommendation to City Council. *Please note that it is possible that NPU "V" members may request that you also attend one or more neighborhood association meetings before or after the NPU "V" meeting. Please contact the NPU "V" Chairperson, Ms. M. M. (Peggy) Harper, immediately at (404)*

522-3231 concerning this. Your non-attendance at such additional meetings likely would result in a deferral by NPU "V", thereby delaying the approval of your UEZ application.

Required Public Hearing & Optional Committee Meeting. The second required meeting is the UEZ public hearing, which is to be conducted by the City's Community Development/Human Resources (CD/HR) Committee. The public hearing will be held on a Monday night at the end of April or middle of May. We will notify you later of the exact date. Your attendance will be required, and you should be prepared to make a presentation about your UEZ application and to answer any questions. The CD/HR Committee will then vote on your case, most likely on the day after the public hearing. Its vote then becomes a recommendation to City Council.

Creation of the Urban Enterprise Zone. The full City Council will vote on your case after the UEZ public hearing has been held and the CD/HR Committee has made its recommendation. We will notify you later of the exact date of the City Council vote. (Please be aware that if a rezoning, other type of zoning action, subdivision, consolidation, or other action is required for your property, this could delay the review and approval of your application. You are encouraged to pursue these actions as soon as possible.) If the City Council votes to approve your UEZ, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted by City Council and approved by the Mayor. However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed before then.

UEZ Tax Abatements. If the urban enterprise zone is approved, tax abatements would be "effective" on your property on January 1 of the year that you requested the enterprise zone to begin. The tax abatements would apply to the new or rehabilitated improvements only (not the land), with some restrictions. The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31 of the first year for which you requested the enterprise zone to begin. In general, tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information concerning the NPU meeting, you may contact the NPU/Citizen Participation Coordinator, Wendy Scruggs-Murray, at (404) 330-6899.

Mr. William C. Smith
William C. Smith, LLC
February 23, 2004

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda M. Logan".

Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/

xc: Charles C. Graves, Commissioner
Beverley Dockeray-Ojo, Director
Sara Wade Hicks, Assistant Director

UEZ-04-10



CITY OF ATLANTA
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HIRLEY FRANKLIN
MAYOR

CHARLES C. GRAVES, III
Commissioner

BEVERLEY DOCKERAY-OJO
Director

Bureau of Planning

February 26, 2004

Mr. William C. Smith
William C. Smith, LLC
675 Metropolitan Parkway
Atlanta, Georgia 30310

RE: Required Public Hearing for Your Submitted Urban Enterprise Zone Application

Dear Mr. Smith:

As a follow-up to our February 23, 2004 letter to you, we want to inform you of the date for the required public hearing for your submitted urban enterprise zone application, in which you proposed the creation of the "666 Metropolitan Parkway Commercial Enterprise Zone" at 666 Metropolitan Parkway, SW. (UEZ-04-10). The public hearing is scheduled for Monday, May 10, 2004, beginning at 6:00 p.m. in the Council Chambers on the Second Floor of City Hall (located at 55 Trinity Avenue). It will be conducted by the Community Development/Human Resources (CD/HR) Committee of City Council. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. No vote will be taken at the public hearing.

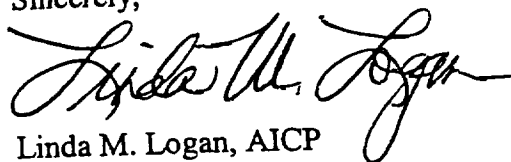
We also encourage you to attend the CD/HR Committee meeting to be held on the following day, Tuesday, May 11, 2004, where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall, beginning at 1:00 p.m. The committee meeting is not required, but is recommended. Please be aware that if a rezoning, other type of zoning action, subdivision, consolidation, or other action is required for your property, this could delay the review and approval of your application. You are encouraged to pursue these actions as soon as possible.

If the CD/HR Committee votes to approve your case on May 11, 2004, then the full City Council would vote on it on May 17, 2004. The Mayor would then be allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature.

Mr. William C. Smith
William C. Smith, LLC
February 26, 2004

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637.

Sincerely,



Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/

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